

STATE OF CALIFORNIA  
 WATER RESOURCES CONTROL BOARD  
 DIVISION OF WATER RIGHTS

**PERMIT FOR DIVERSION AND USE OF WATER**  
**AMENDED PERMIT 10477**

Application 12842 of North San Joaquin Water Conservation District

filed on December 2, 1948, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this amended Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:	Tributary to:
<u>Mokelumne River</u>	<u>San Joaquin River</u>

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Camanche Reservoir South 41° 33' West, 1,824 feet from E $\frac{1}{4}$ corner of Section 6	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	6	4N	9E	MD
Direct Diversion and Rediversion North 2,600 feet and West 1,000 feet from SE corner of Section 26	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	26	4N	7E	MD
South 75 feet and East 850 feet from W $\frac{1}{4}$ corner of Section 35	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	35	4W	7E	MD

County of San Joaquin

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Recreational	Camanche Reservoir in SE $\frac{1}{4}$ of SE $\frac{1}{4}$	6	4N	9E	MD	
Domestic	45,000 net acres within gross area of 52,000 acres being within the service					
Municipal	area of the North					
Industrial	San Joaquin Water					
Irrigation	Conservation District, including					45,000
	Township 3 North, Ranges 6, 7, 8 East, and T4N, Ranges 6, 7, and 8 East, MDB&M		4			

The place of use is shown on map on file with the State Water Resources Control Board.

WRCB 14 (6-90)

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a combined total of 80 cubic feet per second by direct diversion. Direct diversion shall be limited to no more than 40 cubic feet per second at any one pumping facility to be diverted from December 1 of each year to July 1 of the succeeding year and 20,000 acre-feet per annum by storage to be collected from December 1 of each year to July 1 of the succeeding year. The total amount of water to be taken from the source shall not exceed 20,000 acre-feet per water year of October 1 to September 30. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 2000. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. This permit shall not be construed as conferring upon permittee right of access to the point of diversion. (0000022)

13. The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (0000027)

14. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein. (000029B)

15. No water shall be diverted under this permit during the 1992 or subsequent water years, until the permittee has constructed screening facilities adequate to protect fishlife and/or has entered into an operating agreement with the Department of Fish and Game that will protect fishlife.

If fish screens are constructed to meet the requirements of this permit condition, the Department of Fish and Game shall review the construction plans and determine whether the facilities are adequate to protect fishlife. The Department of Fish and Game shall notify the Division of Water Rights of its approval of the plans in writing. Construction, operation, and maintenance costs of any required facilities are the responsibility of the permittee.

In the event the permittee and the Department of Fish and Game cannot reach agreement with respect to this condition, either party may petition the State Water Resources Control Board to hold a hearing to determine the appropriate conditions. (0000063)

16. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the Board concerning availability of water and the protection of beneficial uses of water in the Sacramento-San Joaquin Delta and San Francisco Bay. Any action to change the authorized season of diversion will be taken only after notice to interested parties and opportunity for hearing. (0000080)

17. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Mokelumne River are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

18. No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

a. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Resources Control Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.

b. Supplemental Project water is defined as that water imported to the basin by the projects plus water released from Project storage which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The State Water Resources Control Board shall notify permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators. (0000091)

19. If, during the scheduled Mokelumne River hearing, it is determined that water is available to serve Permit 10477, the time extension to December 31, 2000 authorized by this amended permit, shall remain in effect. If it is determined that there is no further water available to serve this permit, then the face value of the permit may be adjusted after hearing. (3400600)
20. No additional pumping capacity or storage facilities shall be constructed under Permit 10477. (0340900)
21. This permit is issued to accordance with the provisions of the Section 1462 of the Water Code for the temporary appropriation of the excess of the permitted appropriation over and above the quantity applied to beneficial use from time to time by the East Bay Municipal Utility District under its Application 13156 and permit issued thereon provided that the project of the North San Joaquin Water Conservation District shall be so constructed that it may be feasibly integrated at a later date with the project of East Bay Municipal Utility District under Application 13156 as may be determined by the State Water Resources Control Board. (0000999)
22. The North San Joaquin Water Conservation District shall allow any water bypassed or released from Camanche Reservoir by the East Bay Municipal Utility District under permitted Application 13156 for the protection and/or enhancement of fish and wildlife to continue downstream. Nothing in this permit shall be construed as authorizing the North San Joaquin Water Conservation District to appropriate said flows. (0140800)
23. No diversion shall be made under this permit until an agreement has been reached between the permittee and the State Department of Fish and Game with respect to flows to be bypassed for aquatic life; or failing to reach such agreement, until a further order is entered by the State Water Resources Control Board or its successor with respect to said flows. (0360400)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: DECEMBER 11 1992

STATE WATER RESOURCES CONTROL BOARD

*Roger Johnson*  
for Chief, Division of Water Rights